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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/183,717	10/30/1998	DAVID ALAN DESCH	080398.P162	3438

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES, CA 90025

EXAMINER

GRANT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/183,717

Applicant(s)
DESCH

Examiner
Christopher Grant

Art Unit
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jan 28, 2002

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 6-48 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 6-48 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pauley and Schein et al. (Schein).

Considering claim 6, Pauley discloses an apparatus and corresponding method for selecting the sources of at least two shows capable of being received and displayed by an entertainment system comprising: selecting for viewing, a first show associated with a first channel; displaying the first show; selecting for viewing, a second show associated with a second channel; and displaying the second show.

However, Pauley fails to specifically disclose receiving first and second user-specified show selections, displaying first and second plural sources for the first and second show selections, receiving first and second source selections and displaying first and second show selections respectively as recited in the claims.

Schein discloses a multi-source information television system for easily selecting channels from a combined program schedule comprising the steps of:

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- a) receiving a first user show selection (col. 2, lines 44-46, col. 5, lines 39-45);
- b) displaying a first plurality of sources for the first show selection (figure 3, col. 6, lines 8-16 and/or step 404, figure 4);
- c) receiving a first source selection (col. 6, lines 39-52 and/or step 406, figure 4);
- d) displaying first show selection (col. 6, lines 39-52 and/or step 406 figure 4) and
- e) receiving a second user show selection (e.g. a second show such as Casablanca from figure 2 and the procedure is the same as step a);
- f) displaying a second plurality of sources for the first show selection (figure 3, col. 6, lines 8-16 and/or step 404, figure 4);
- g) receiving a second source selection (col. 6, lines 39-52 and/or step 406, figure 4);
- h) displaying a second show selection (col. 6, lines 39-52 and/or step 406, figure 4).

Schein's display system allows the user to select one or more shows from multiple occurrences of the same shows from various input sources (e.g. DBS, Cable, regular broadcast etc.). The advantage is that the user can select a desired source at a desired time for a particular show.

It would have been obvious to one of ordinary skill in the art to modify Pauley's system to include receiving first and second user-specified show selections, displaying first and second plural sources for the first and second show selections, receiving first and second source selections and displaying first and second show selections respectively, as taught by Schein, for the advantage of enabling easy selection of desired shows at desired times from a combined list of multiple input sources.

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Claim 10 is met by the combined systems of Pauley and Schein, wherein Pauley discloses the various input sources in col. 5, lines 16-18 and Schein discloses the various input sources throughout the entire reference including but not limited to col. 2, lines 25-43.

Claim 12 is met by the combined systems of Pauley and Schein, wherein Schein discloses loading programming data associated with the selected first and/or second channels (see programming data in coordinator 14 in columns 3-4).

Claim 13 is met by the combined systems of Pauley and Schein, wherein Schein discloses that coordinator (13) includes CPU (26) and memory that serve as the devices for operating the system in col. 3, line 59 - col. 4, line 63.

Considering claims 7-9, the combined systems of Pauley and Schein disclose an apparatus for receiving programming from plural sources such as from a satellite system, local broadcast or cable companies. However, they fail to specifically disclose first and second coding techniques and that the first and second coding techniques are amplitude modulation, frequency modulation and phase modulation as recited in the claims.

The examiner takes Official Notice that it is notoriously well known in the art to implement amplitude modulation, frequency modulation and phase modulation for transmitting programs from a central station to terminals at user locations.

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Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Pauley and Schein to include amplitude modulation, frequency modulation and phase modulation because these are well known transmission techniques used for broadcasting programs to viewers/subscribers.

Claim 11 is met by the combined systems of Pauley and Schein, wherein Pauley discloses various input sources in col. 5, lines 16-18 and Schein discloses various input sources in col. 2, lines 25-43.

Claims 14 and 15 are met by the combined systems of Pauley and Schein, wherein Schein discloses a VCR (13) for recording a first, second or any number of shows throughout the reference including but not limited to column 6, lines 39-52.

As for claims 16-17 and 26-27, Pauley discloses an entertainment system comprising:

- a) a display monitor (12);
- b) a broadcast receiver coupled to the display monitor including:
 - (b1) a first front end unit (26) capable of receiving a first show;
 - (b2) a second front end unit (28) capable of receiving a second show;
 - (b3) a plurality of memory elements (col. 4, lines 7-39);

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(b4) a central processing unit (50) coupled to the plurality of memory elements, wherein the central processing unit (50) selects one of the plurality of shows into the plurality of memory elements, processes each show separately and displays the plurality of shows continuously in a picture in picture format (columns 5-7).

However, Pauley fails to disclose receiving programming data associated with first and second show selections provided by first and second source selections from first and second plurality of sources displayed (respectively) as recited in the claims.

Schein discloses a multi-source information television system for receiving programming data associated with first and second show selections provided by first and second source selections from first and second plurality of sources displayed. Schein's display system allows the user to select one or more shows from multiple occurrences of the same shows from various input sources (e.g. DBS, Cable, regular broadcast etc.). The advantage is that the user can select a desired source at a desired time for a particular show.

It would have been obvious to one of ordinary skill in the art to modify Pauley's system to include receiving programming data associated with first and second show selections provided by first and second source selections from first and second plurality of sources displayed (respectively), as taught by Schein, for the advantage of enabling easy selection of desired shows at desired times from a combined list of multiple input sources.

Claims 18 and 28 are met by the combined systems of Pauley and Schein, wherein Schein discloses an integrated receiver decoder (IRD) in column 3.

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Claims 19-20 and 29-30 are met by the combined systems of Pauley and Schein, wherein Schein discloses that coordinator (13) includes CPU (26) and memory that serve as the devices for operating the system in col. 3, line 59 - col. 4, line 63.

Considering claims 21-23 and 31-33, the combined systems of Pauley and Schein disclose an apparatus for receiving programming from plural sources such as from a satellite system, local broadcast or cable companies. However, they fail to specifically disclose first and second coding techniques and that the first and second coding techniques are amplitude modulation, frequency modulation and phase modulation as recited in the claims.

The examiner takes Official Notice that it is notoriously well known in the art to implement amplitude modulation, frequency modulation and phase modulation for transmitting programs from a central station to terminals at user locations.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Pauley and Schein to include amplitude modulation, frequency modulation and phase modulation because these are well known transmission techniques used for broadcasting programs to viewers/subscribers.

Claims 24-25 and 34-35 are met by the combined systems of Pauley and Schein, wherein Pauley discloses the various input sources in col. 5, lines 16-18 and Schein discloses the various input sources throughout the entire reference including but not limited to col. 2, lines 25-43.

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Claims 36-39, 41-48 are met by the combined systems of Pauley and Schein, wherein Schein discloses a monitor to display the first, second or any number of shows and a VCR (13) to concurrently record the first, second or any number of shows.

Claim 40 is met by the combined systems of Pauley and Schein, wherein Schein discloses that the broadcast receiver is the combination of one or more of cable TV box, DBS box and coordinator receiver. A cable TV or DBS box inherently contains a decryption engine for decrypting premium programs provided by content providers.

Response to Arguments

3. Applicant's arguments filed 1/28/2002 have been fully considered but they are not persuasive.

Response to applicant's arguments

a) Applicant argues that Pauley does not teach or suggest the various "receiving a user's show selection" and the "user's source selection" limitations of claims 6, 16, 26, 41 and 46 on pages 14-17 of applicant's remarks filed 1/28/2002.

In response, applicant should note that the Schein reference was cited to teach the various "receiving a user's show selection" and the "user's source selection" limitations of claims 6, 16, 26, 41 and 46 as indicated in the previous Office Action. The Pauley reference was cited to teach

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the “concurrent display of two programs” or “continuous display of two programs” on one screen (i.e. picture-in-picture).

b) Applicant argues that Schein teaches that **“The user selects the show rather than the source. The device then automatically selects the source based on the show selection”** on page 18, lines 3-4 of applicant’s remarks. Applicant also argues that Schein fails to teach or suggest the various “receiving a user’s show selection” and the “user’s source selection” limitations of claims 6, 16, 26, 41 and 46 on pages 18-19 of applicant’s remarks filed 1/28/2002.

In response, applicant should note the following relationship between at least claim 6 limitations and the Schein reference:

- i) receiving a first user show selection (col. 2, lines 44-46, col. 5, lines 39-45, *for example, GONE WITH THE WIND” illustrated in figure 3*);
- ii) displaying a first plurality of sources (*HBO1, DSS, NBC*) for the first show selection (figure 3, col. 6, lines 8-16 and/or step 404, figure 4);
- iii) receiving a first source selection (col. 6, lines 39-52 and/or step 406, figure 4) (*when the user uses the cursor to select HBO1 TODAY 11:00AM this effectively is selecting a source*);
- iv) displaying first show selection (col. 6, lines 39-52 and/or step 406 figure 4) (*the device tunes to the selected source and displays the first show selection*).

Schein discloses selecting a source for a particular show (GONE WITH THE WIND) at a specific time (11:00am). Applicant’s specification at page 18, lines 14-16 describes selecting a

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source for a particular channel (i.e. a show) at a specific time period (8:00-9:00pm illustrated in the guide screen of figure 4). Therefore, the Schein reference discloses the same subject matter as claimed and described in the specification and as a result applicant's arguments are not persuasive.

c) Applicant argues the Pauley and Schein reference individually.

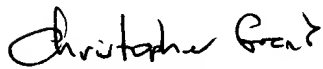
In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306 0377.


Christopher Grant
Primary Examiner
February 5, 2002